

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EPIC SYSTEMS CORPORATION,

Plaintiff,

v.

ACACIA RESEARCH CORPORATION
and RESOURCE SCHEDULING
CORPORATION,

Defendants.

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Civil Action No. 06-255-JJF

JURY TRIAL DEMANDED

DECLARATION OF EDWARD J. TRESKA

I, Edward J. Treska, declare:

1. I am over the age of twenty-one years and am competent to make this Declaration. I have personal knowledge of the facts stated herein and they are true and correct to the best of my knowledge.

2. I am the Vice President of Licensing of Acacia Technologies Group, which is a division of Acacia Research Corporation ("Acacia"). Acacia is a Delaware corporation with a place of business at 500 Newport Center Drive, 7th Floor, Newport Beach, California.

3. Resource Scheduling Corporation ("RSC") is a wholly-owned subsidiary of Acacia. RSC and Acacia are separate and distinct entities from each other, with each maintaining separate books and separate bank accounts. Acacia and RSC observe all corporate formalities.

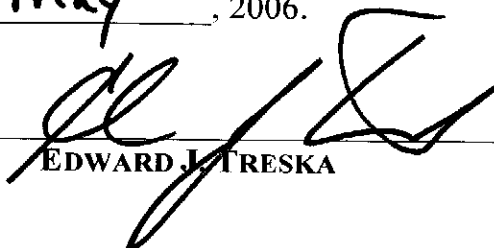
4. RSC has all rights to license and enforce United States Patent No. 4,937,743 ("the '743 patent") through an exclusive license from Intellimed

Corporation. Intellimed Corporation is the owner of the '743 patent through assignments from the inventors. Acacia owns no rights in the '743 patent.

5. On or about April 3, 2006, and prior to traveling to Wisconsin to meet with attorneys at Quarles & Brady LLP (Epic's Wisconsin counsel) regarding the potential licensing of the '743 patent to a different client, I contacted Judy Faulker's office. Upon information and belief, Ms. Faulkner is the President and CEO of Epic Systems Corporation ("Epic"). I attempted to contact Ms. Faulker to schedule an appointment, to occur perhaps during my impending trip to Wisconsin, to discuss my May 23, 2006 letter and a potential license for the '743 patent. Ms. Faulker has never returned my calls.

6. I know of the foregoing of my own personal knowledge, and if called and sworn as a witness, I could and would competently testify thereto. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30 day of May, 2006.



EDWARD J. TRESKA

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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of May, 2006, the foregoing Declaration of Edward J. Treska was electronically filed with the Clerk of the Court for the U.S. District Court, District of Delaware, using CM/ECF which will send notification of such filing to the following:

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/s/ Karen V. Sullivan
KAREN V. SULLIVAN